

App. F. IX-4

Previous References

P.P. 35-33 (1)
" 67-22 (1-3)
" 20-35 (2+3) (1+4)

Later References.

P.P. 29-40 (1-2)

✓
1940
193 .
(P.P.)

File No. 29-40

Serial Nos. 1-2

P-17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

Part B for December 1940

SUBJECT.

Acquisition of residential and non-residential property in British India by Ruling Princes and Chiefs.

WD 0578-GPB-22,500-12-9-09

Prof. Shankar
10.1.41

3655
P

Acquisition of Residential and Non-Residential property in British India by Ruling Princes and Chiefs

General and Revenue Secretariat

P.P. File No. 29

of 1940.

[App. F. III-2

Serial No.

1

From

The Secy to the Honble the Resident
no R.F. 653-40/Pol & 12th Dec. 40
forwarding a copy of Political Dept Resolution
cancelling their previous resolution re: the acquisition
of Residential and non-Residential property in British India
by Ruling Princes and Chiefs.

Kind refce is invited to the previous
notifications of the Foreign and Political Dept
re: the acquisition of Residential and non-
Residential property in British India by
Ruling Princes. Those resolutions are
cancelled by the present resolution.

Subd for perusal with a D.S.N for
consideration.

AS
13/12
Done

Pol
13/12

Chief Secy

A further refce was received from the Residency
in this connection. Please put that up also and
revise the D.S.N.

MS
13/12

2 From

The Secy to the Honble the Resident
no R.F. 653-40/Pol & 13th Dec. 40
forwarding a copy of mls. framed by the Govt of
Madras at Bengal on the subject.

AS
16/12
Done

Subd with a revised D.S.N for consideration
The original Govt of India Resolution, now cancelled,
comprises all provinces. The Resdng here now subd
the mls framed by the Govt of Madras at Bengal.

MS
14/12

Chief Secy.

Flags X+Y



Submitted to His Highness.

A+B
y + x
C
I submit herewith for the gracious perusal of His Highness letters of the 12th and 13th December 1940 received from the Residency forwarding a copy of the Resolution of the Government of India in the Political Department of the 21st November 1940 cancelling the previous Resolutions regarding the acquisition by Ruling Princes and Chiefs of residential and non-residential property in British India, as well as a copy of Rules passed by the Governments of Madras and Bengal on the same subject. The Residency request that the rules may be observed in the event of the Government of Mysore acquiring residential or non-residential property in those Provinces.

Bangalore,

17th December 1940.

Mirza M. Ismail
D E W A N.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Residency communication regarding
the acquisition by Ruling Princes and
Chiefs of residential and non-residen-
tial property in British India.

Chief Secy
PM
20-12-40

No. 392

Order.

RV.
19/12/40.

MS
23.12.40

SUBJECT:—

Residency communication regarding the acquisition by Ruling Princes and Chiefs of residential and non-residential property in British India.

(*)

31 All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness, orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. S. Ramani
Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL.

N. M.
24/12/40

SECOND MEMBER OF COUNCIL.(On Deptn).

P. P.

M. S.
24/12/40
M. S.
24/12

3613
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General and Revenue
Secretariat

Acquisition of Residential and non-Residential
property in Pr. India by Ruling Princes.

PP File No. 29

of 1940.

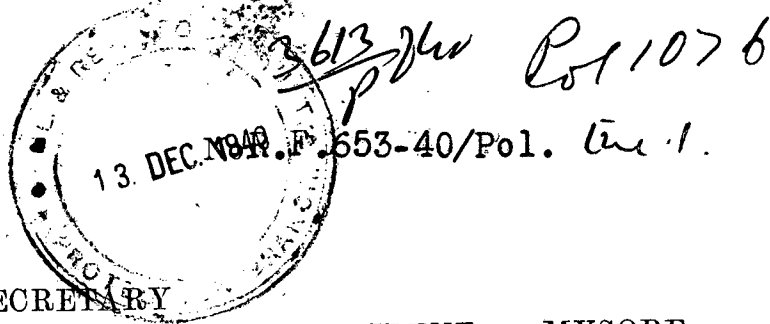
[App. F. III-2]

Serial
No.

B

NOTE—Contn. Sheet.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.



FROM

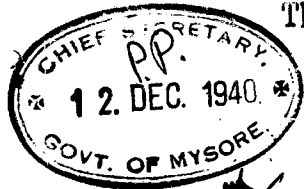
THE SECRETARY

TO THE HON'BLE THE RESIDENT IN MYSORE.

To

P.P. 29-40-1.

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.



Dated Bangalore, the 12th Decr. 1940.

Acquisition of residential and non-residential property in British India by Ruling Princes and Chiefs, their near relatives and the notables of their States.

SIR,

I am directed to forward for the information of the Government of Mysore, a copy of Political Department Resolution No.F.11-I.A/40, dated the 21st November 1940, in continuation of this Residency endorsement No.305, dated the 11th January 1923 and letter No.10111, dated the 25th October 1933.

I have the honour to be,
Sir,
Your most obedient servant,

Alacau

SECRETARY TO THE RESIDENT.

BJ

No.F.11-I.A./40.
Political Department.
Dated New Delhi, the 21st November 1940.

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RESOLUTION.

The Resolutions of the Government of India in
the late Foreign and Political Department

(1) No.2563-1161-Internal, dated the 19th
December 1922, and

(2) No. F.248-R/32, dated the 22nd September
1933,

laying down the procedure for the acquisition of
residential and non-residential property in British
India by Ruling Princes and Chiefs, their near
relatives and the notables of their States, are
hereby cancelled.

Sd.C.G.Herbert,
Secretary to His Excellency
the Crown Representative.

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"C O P Y"



SUPERINTENDENT, RESIDENT'S OFFICE.

40/Pol. (The 420)
FIRST MEMBER OF COUNCIL
DEC 13 1940
No 6043
ENT IN MYSORE.

FROM : CE

THE SECRETARY

TO THE HON'BLE THE RESIDENT IN MYSORE.

NO. 3959 To

P.P. 29-40-2

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, the 13th Decr. 1940.

Acquisition of residential and non-residential property in British India by Ruling Princes and Chiefs, their near relatives and the notables of their States.

SIR,

In continuation of my letter No.R.F.653-40/Pol. dated the/2th December 1940, I am directed to forward a copy of rules framed by the Governments of Madras and Bengal on the above subject and to request that the rules may kindly be observed in the event of the Government of Mysore acquiring residential or non-residential property in those Provinces.

For perusal in
the first instance.

I have the honour to be,
Sir,
Your most obedient servant,

Алакан

SECRETARY TO THE RESIDENT.

BJ

14-12-00

Neu-

13/12/40 ~~16/12~~ Nov 16/12 ~~16/12~~

Rules on the subject of acquisition of residential property, in the Province of Madras by Ruling Princes and Chiefs.

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I. Acquisition of residential property in the City of Madras and any hill stations in the Nilgiris or Palni hills.

The previous consent of the Government of Madras is required for the acquisition of residential property by Ruling Princes and Chiefs, their near relatives or the notables of their States, in the City of Madras and any stations in the Nilgiris or Palni hills.

Such consent will, however, be subject in all cases to the following conditions:-

- (i) No transfer of the property will be effected, nor any encumbrance on it created, without the previous consent of the Government of Madras;
- (ii) A responsible Agent will be appointed in the locality in which the property is situated, to answer the authorities in case of need;
- (iii) The property will not be used without the previous consent of the Government of Madras for purposes other than residential; and
- (iv) The property where acquired by a Prince or Chief will be acquired as State property and not as personal property.

There is no objection to benami acquisition provided that the previous consent of the Government of Madras is obtained and provided also that once the transaction is completed the Ruling Prince or Chief steps into his real position.

The above procedure does not extend to the prevention of the acquisition of residential property by bequest or succession. The question whether the individual beneficiary should be desired to divest himself of his proprietary rights in the property and, if so, in what manner and within what period, will be a matter for decision in each case with reference to the particular circumstances

II. Acquisition of residential property in the Province of Madras in general:-

The Government of Madras have no objection to the acquisition by Ruling Princes and Chiefs, their near relatives or notables

notables of their States, whether by purchase, mortgage or lease, of immovable property for residential purposes in any part of the Province of Madras other than the places mentioned in Rule I, provided that previous intimation of the intention to acquire such property is given to them and that conditions (i) to (iv) of clause I are recognized and accepted.

Rules on the subject of acquisition of non-residential property in the Province of Madras by Ruling Princes and Chiefs.

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The acquisition by Ruling Princes and Chiefs or their her heirs-apparent of non-residential property in the Province of Madras should be subject to the terms and conditions mentioned in paragraphs 2 to 7 below.

In these rules non-residential property means any immovable property or interest in immovable property which is not required for the residence of a Ruling Prince or Chief or his heir-apparent.

2. (1) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief may acquire non-residential property in the Province of Madras either in his own name or in the name of any other person only with the consent of the Government of Madras. Such consent should ordinarily be obtained before the acquisition; but when this course is impracticable, the consent should be obtained within a reasonable time after the acquisition.

(2) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief desiring to transfer by way of mortgage any such property in the Province of Madras should obtain the previous consent of the Government of Madras.

3. (1) Notwithstanding anything hereinbefore contained, a Ruling Prince or Chief may acquire non-residential property in the Province of M dras.

- (a) for the purpose of providing for his younger sons or relatives other than the heir-apparent, and
- (b) for religious or charitable purposes.

An acquisition under this paragraph should be communicated to the Government of Madras immediately after the completion of the transaction.

(2) If, after the acquisition, the son or relative mentioned in clause (a) of sub-paragraph (1) above becomes the heir-apparent or succeeds to the gadi of a State, he should obtain the consent of the Government of Madras to his retention of the property.

4.(1) When a Ruling Prince or Chief acquires any non-residential property in the Province of Madras in the name of another person, he should, within a reasonable time, cause such other person to execute a proper document declaring the real ownership or transferring the property to the real owner.

(2) When the acquisition is for the purpose mentioned in paragraph 3(1)(a), the document by which such acquisition is made should be in favour of the beneficiary and when it is for any of the purposes mentioned in paragraph 3 (1) (b), such document should disclose such purposes.

5. Ruling Princes or Chiefs or the heirs-apparent of such Ruling Princes or Chiefs shall ordinarily be entitled to retain any non-residential property which they may obtain by bequest or succession, but in each case the Government of Madras should be informed. This does not apply to property originally acquired under paragraph 3, which will be governed by the provisions of that paragraph.

6. (1) Non-residential property acquired by Ruling Princes or Chiefs and their relatives will, in all respects, be subject to the laws and rules in force in the Province of Madras.

(2) An agent, duly authorized and resident in or near the locality, should invariably be appointed to represent a Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief in respect of his non-residential property in the Province of Madras.

Such

Such agent will be subject to British jurisdiction as regards the property, and Ruling Princes and Chiefs will see that decrees and orders are given effect to.

7. In the event of non-observance of any of the aforesaid terms or conditions or in case of refusal of the necessary consent, the Ruling Prince or Chief or the heir-apparent will, if desired to do so by the Government of Madras, dispose of the property in question within a reasonable time.

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A summary of the terms and conditions applicable to the acquisition of residential property in Bengal by Ruling Princes and Chiefs, their near relatives or the notables of their states.

1. The previous consent of the Provincial Government is required for the acquisition of residential property by Ruling Princes and Chiefs, their near relatives or the notables of their States in Calcutta/Municipal Act, 1923, as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923, and in the Municipality of Darjeeling.

2. Such consent will be subject to the following conditions:-

- (i) no transfer of the property will be effected nor any incumbrance on it created without the previous consent of the Provincial Government;
- (ii) a responsible Agent will be appointed in the locality in which the property is situated, to answer the authorities in case of need;
- (iii) the property will not be used without the previous consent of the Provincial Government for purposes other than residential; and
- (iv) the property where acquired by a Prince or Chief will be acquired as State property and not as personal property.

3. The Provincial Government have no objection to the acquisition of such property by Ruling Princes and Chiefs in the name of another person provided that the previous consent of the Provincial Government is obtained

to

to such transaction, and that the Ruling Prince or Chief within a reasonable time causes such other person to execute a proper document declaring the real ownership or transferring the property to the real owner.

4. The foregoing principles will not apply to the acquisition of residential property by bequest or succession. In all such cases the question whether the individual beneficiary should be desired to divest himself of his proprietary rights in the property and if so, in what manner and within what period; will be decided with reference to the particular circumstances of each case.

5. The Provincial Government have no objection to the acquisition by Ruling Princes and Chiefs, their near relatives or notables of their States, whether by purchase, mortgage, or lease, of immovable property for residential purposes in any part of Bengal other than the areas referred to in paragraph 1 above provided that previous intimation of the intention to acquire such property is given to the Provincial Government, and that the conditions of paragraph 2 above are recognized and accepted.

A summary of the terms and conditions applicable to the acquisition of non-residential property in Bengal by Ruling Princes or Chiefs or their heirs-apparent.

1. In this summary "non-residential property" means any immovable property or interest in immovable property which is not required for the residence of a Ruling Prince or Chief or his heir-apparent.

2.(1) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief may acquire non-residential property in Bengal, either in his own name or in the name of any other person, only with the consent of the Provincial Government. Such consent should ordinarily be obtained before the acquisition; but when this course is impracticable the consent should be obtained within a reasonable time after the acquisition.

(2) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief desiring to transfer by way of mortgage any such property in Bengal should obtain the previous consent of the Provincial Government.

3. (1) Notwithstanding anything hereinbefore contained a Ruling Prince or Chief may acquire non-residential property in Bengal -

- (a) for the purpose of providing for his younger sons or relatives other than the heir-apparent; or
- (b) for religious or charitable purposes. Every acquisition under this sub-paragraph should be communicated to the Provincial Government immediately after the completion of the transaction.

(2) If after the acquisition, the son or relative mentioned in clause (a) of sub-paragraph (1) becomes the heir-apparent or succeeds to the gadi of a State, he should obtain the consent of the Provincial Government for the retention of the property.

4. (1) When a Ruling Prince acquires non-residential property in Bengal as a person, he should within a reasonable time cause such other person to execute a proper document declaring the real ownership or transferring the property to the real owner.

(2) When the acquisition is for the purpose mentioned in paragraph 3(1)(a) the document by which such acquisition is made should be in favour of the beneficiary and when it is for any of the purposes mentioned in paragraph 3(1)(b) such document should disclose such purpose.

5. Ruling Princes or Chiefs or the heirs-apparent of such Ruling Princes or Chiefs shall ordinarily be entitled to retain any non-residential property which they may obtain by bequest or succession, but in each case the Provincial Government should be informed. This

does

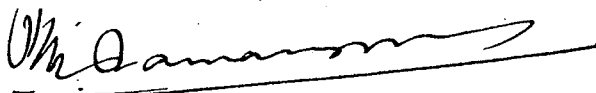
does not apply to property originally acquired under paragraph 3 which will be governed by the provisions of that paragraph.

6. (1) Non-residential property acquired by Ruling Princes or Chief or their relatives will in all respects, be subject to the laws and rules in force in Bengal.

(2) An agent, duly authorised and resident in or near the locality, should invariably be appointed to represent a Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief in respect of his non-residential property in Bengal. Such agent will be subject to the jurisdiction of the Provincial Government as regards the property, and it is understood that the Ruling Princes and Chiefs will see that the decrees and orders are given effect to.

7. It is understood that in the event of non-observance of any of the aforesaid terms or conditions or in case of refusal of the necessary consent, the Ruling Prince or Chief or the heir-apparent will, if desired to do so by the Provincial Government, dispose of the property in question within a reasonable time.

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SUPERINTENDENT, RESIDENT'S OFFICE.



RNS)